

HB 798

HB 948

HB 1159

HCR 72

HCR 123

HCR 124

## SIXTY-EIGHTH DAY—WEDNESDAY, MAY 5, 1971

The House met at 10:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Cole	Hilliard	Poff
Adams	Cruz	Howard	Price
Agnich	Daniel	Hubenak	Reed
Allen, Joe	Davis, D.	Hull	Rosson
Allen, John	Davis, H.	Ingram	Salem
Angly	Denton	Jones, E.	Salter
Atwell	Doran	Jones, G.	Schulle
Atwood	Doyle	Jungmichel	Shannon
Baker	Dramberger	Kaster	Sherman
Bass, B.	Earthman	Kubiak	Short
Bass, T.	Farenthold	Lemmon	Simmons
Beckham	Finck	Lombardino	Slack
Bigham	Finnell	McAlister	Slider
Blanton	Foreman	Moncrief	Solomon
Blythe	Gammage	Moore, A.	Spurlock
Bowers	Garcia	Moore, G.	Stewart
Braecklein	Golman	Moore, T.	Tarbox
Braun	Grant	Moreno	Traeger
Burgess	Hale	Murray	Truan
Bynum	Harding	Nabers	Ward
Caldwell	Harris	Newton	Wayne
Calhoun	Hawkins	Nichols	Wieting
Christian	Hawn	Nugent, J.	Williams
Clark	Haynes	Parker, C.	Wolff
Clayton	Head	Parker, W.	Wyatt
Coats	Hendricks	Pickens	
Absent			
Allred	Holmes, Z.	Mengden	Santiesteban
Boyle	Johnson	Nelms	Silber
Cates	Jones, D.	Neugent, D.	Smith
Cavness	Kilpatrick	Niland	Swanson
Cobb	Kost	Ogg	Tupper
Craddick	Lee	Orr	Uher
Finney	Lewis	Patterson	Vale
Floyd	Longoria	Presnal	Von Dohlen
Graves	Lovell	Rodriguez	Williamson
Hannah, John	McKissack	Sanchez	

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Absent-Excused

Carrillo	Heatly	Ligarde	Semos
Hanna, Joe	Holmes, T.	Poerner	Stroud

(Mr. Blanton in the Chair)

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

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Representatives Pickens, Vale, Craddick, Harding, Nelms, Ogg, Graves, Delwin Jones, Cobb, Cates, Boyle, and Patterson entered the House and were announced present.

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LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for today on account of important business:

Mr. Poerner on motion of Mr. Uher.

Mr. Carrillo on motion of Mr. Uher.

Mr. Joe Hanna on motion of Mr. Uher.

Mr. Tom Holmes on motion of Mr. Uher.

Mr. Ligarde on motion of Mr. Uher.

Mr. Heatly on motion of Mr. Slider.

The following Members were granted leaves of absence for today on account of illness:

Mr. Stroud on motion of Mr. Tom Bass.

Mr. Semos, temporarily for today, on motion of Mr. Tom Bass.

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CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HSR 433, by Jungmichel: Commending the Elgin High School Senior Class.

HSR 434, by Adams and Burgess: Commending the Deep East Texas Development Association.

HSR 435, by Burgess: Paying tribute to Garrison High School basketball team.

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Representatives Mengden, Presnal, Tupper, Uher, John Hannah, Kost, Lewis, Silber, Von Dohlen, Niland, Johnson, Kilpatrick, Rodriguez, Santiesteban, Longoria, Cavness, and Finney entered the House and were announced present.

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## HCR 135—ADOPTED

(Honoring President Harry S. Truman on his birthday)

Mr. Clark offered the following resolution:

## HCR 135

Whereas, On May 8, 1971, the world celebrates the 87th birthday of Harry S. Truman; and

Whereas, The 33rd President of the United States, now living in his hometown of Independence, Missouri, still maintains his candid and vigorous attitude which always characterized his political life. According to Vice President Spiro T. Agnew, who visited with President Truman recently, "... his candor hasn't diminished"; and

Whereas, Born in Lamar, Missouri on May 8, 1884, Mr. Truman is the son of the late Martha Ellen and John Anderson Truman. The Truman family moved to Independence soon after their son was born; and

Whereas, On June 28, 1919, the former president was married to his childhood sweetheart, the gracious Bess Wallace. The Trumans are parents of one lovely daughter, Mrs. Clifton (Mary Margaret) Daniel; and

Whereas, Mr. Truman began his long and dedicated career of serving his country in the United States military during World War I. His quiet leadership and calm resourcefulness quickly brought about his promotion to captain; and

Whereas, Having been elected to the United States Senate in 1934, Mr. Truman immediately distinguished himself as a competent and dynamic leader of the Democratic Party. He was a natural selection for the vice-presidential position on the Democratic ticket, the running mate of President Franklin Delano Roosevelt; and

Whereas, After the tragic death of President Roosevelt on April 12, 1945, Mr. Truman found himself suddenly catapulted into the Presidency, with the awesome responsibilities of concluding World War II and restoring global peace and order. One of President Truman's major concerns was to assist war-ravaged Europe to rebuild after the peace was made. In the Truman Doctrine of 1947, and through the Marshall Plan, the United States assumed the enormous role of direct economic assistance to other countries, taking on a large part of the foreign aid burden previously borne by Great Britain; and

Whereas, The United States viewed Russia and its communist government as a direct threat to the security of the free world, and President Truman was quick to respond to the perilous Cold War situation on many occasions, most notably in the Korean crisis of 1952. Without Congressional authorization, he committed U.S. troops to combat in Korea, obtaining sanction from the United Nations for his action; and

Whereas, Although not as well known as Roosevelt's New Deal, President Truman's domestic legislative program, the Fair Deal, was even more extensive in its proposed reforms than his predecessor's program. He was an early supporter of civil rights legislation and other innovative measures.

However, the congressional coalition which had existed during World War II quickly disintegrated after President Roosevelt's death, and the Fair Deal did not meet with much success; and

Whereas, A self-educated man, Mr. Truman's active mind has always been eager for new knowledge. He had read every book in the Independence Public Library by the time he was 12 years old. His home library now contains numerous histories of American and world affairs, in many of which Mr. Truman himself has an essential role, and magazines and periodicals ranging widely in subject matter; and

Whereas, Although not as active as he used to be, Mr. Truman still speaks his mind on politics and history. He is known to enjoy his bourbon and branch water, and friends quote his wife, Bess, as saying that all she can get him to eat for lunch is a peanut butter and jelly sandwich; and

Whereas, The 62nd Legislature, the Governor, and all officials of government in the State of Texas wish to express warm regard and deep respect for this great American. His role in structuring the destiny, not only of the United States, but of the entire world is truly immeasurable. Harry S. Truman is one of a kind—an individual of the greatest integrity and honesty who is admired by all Americans; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 62nd Legislature, on behalf of all the state's public officials and its citizens, honor President Harry S. Truman, and extend warmest congratulations to him as he celebrates his 87th birthday; and, be it further

Resolved, That an official copy of this resolution under the seal of the Governor of Texas, be prepared for President and Mrs. Truman as a sincere expression of the esteem and respect held for him by all the people of the State of Texas.

Signed: Clark and Shannon

The resolution was read and was unanimously adopted.

On motion of Mr. Nelms, the names of all the Members of the House were added to the resolution as signers thereof.

Representatives Allred and Smith entered the House and were announced present.

#### INTRODUCTION OF HOUSE BILLS

Mr. Calhoun asked unanimous consent to introduce and have placed on first reading HB 1800.

There was no objection offered.

Mr. Gammage asked unanimous consent to introduce and have placed on first reading HB 1801.

There was no objection offered.

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Representative Swanson entered the House and was announced present.

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INTRODUCTION OF HOUSE BILLS—(continued)

Mr. Edmund Jones asked unanimous consent to introduce and have placed on first reading HB 1802.

There was no objection offered.

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Representative Floyd entered the House and was announced present.

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INTRODUCTION OF HOUSE BILLS—(continued)

Mr. McAlister asked unanimous consent to introduce and have placed on first reading HB 1803.

There was no objection offered.

Mr. Craddick asked unanimous consent to introduce and have placed on first reading HB 1804.

There was no objection offered.

(Speaker in the Chair)

SENATE JOINT RESOLUTIONS ON FIRST READING

The following Senate Joint Resolutions were today laid before the House, read first time and referred to the Committee on Constitutional Amendments:

SJR 29, SJR 33.

SENATE BILLS ON FIRST READING

The following Senate Bills were today laid before the House, read first time and referred to Committees, as follows:

SB 377 to the Committee on Judiciary.

SB 839 to the Committee on Insurance.

HSR 432—REFERRED TO COMMITTEE

(Authorizing publication of Handbook of Texas Government)

Mr. Doran offered the following resolution:

## HSR 432

Whereas, The nature and complexity of the government of the State of Texas increases in direct ratio to the growth of the state and the needs of its citizens; and

Whereas, Since the days of early statehood, the Texas State Government has developed into a giant system of boards, agencies and institutions within the Constitutional Executive, Legislative, and Judicial branches; and

Whereas, Comprehensive information about this system of government and its functions is available from a variety of sources, but is not available from a single source book designed specifically to catalog the governmental units of the State of Texas; and

Whereas, The complexities of this system of government are such that a comprehensive handbook is needed to describe the myriad functions and duties involved; and

Whereas, A handbook of this nature would be of great value and use to the citizens of Texas and their elected and appointed officials; now, therefore, be it

Resolved by the House of Representatives of the 62nd Legislature, That the Texas Legislative Council be requested to make an in-depth survey of all aspects of the government of the State of Texas; and, be it further

Resolved, That the results of this survey be compiled and edited into a comprehensive Handbook of Texas Government and be published for general use; and, be it further

Resolved, That the Handbook of Texas Government be completed in time for presentation to the Members of the 63rd Legislature at the regular session convening in January 1973.

The resolution was referred to the Committee on Resolutions and Interim Activities.

#### HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read first time and referred to Committees, as follows:

**By Caldwell:**

HB 1794, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Buffalo Camp Farms Public Utility District; declaring district a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the district; finding district is created for public use and benefit; conferring on district the rights, powers, privileges, authority and functions of the general laws of Texas applicable to water control and improvement districts created under said Article 16, Section 59, Constitution of Texas, where not

in conflict with this Act, and adopting same by reference; providing for continuing supervision by the Texas Water Rights Commission; stating the policy of the state with regard to waste control; prescribing the district's rights, powers, privileges and functions, and related matters; providing for no election for confirmation; providing for no hearing for exclusions except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation; providing for addition of land to district and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for the filling of vacancies; providing for terms and election of directors and notice of directors elections; and related matters; providing for the letting of construction contracts and the drawing of warrants; providing for execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, V.T.C.S.; providing for bonds and refunding bonds of the district, and related matters; providing for approval of bonds by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing for the incontestability of bonds; providing the power of eminent domain shall be limited to the county or counties within which district is situated and to situations where necessary to carry out the purposes for which district was created; providing district shall bear expenses of relocating, raising, or rerouting any highway, railroad or utility lines or pipe lines made necessary by its exercise of the power of eminent domain; defining "sole expense"; providing for depositories; providing for an audit, and related matters; providing for the establishment of District offices, and related matters; providing for the sale of bonds and the price of such bonds; providing that Article 7880-77b, V.T.C.S., shall not be applicable to this District; providing that notice of all elections shall be under the hand of the president or secretary; providing for the canvassing of election returns; providing that bonds and refunding bonds of this District shall be eligible investments; providing that the Municipal Annexation Act shall have no application to this District; providing that District is subject to provisions of Article 1182c-1, V.T.C.S.; determining and finding that the requirements of Article 16, Section 59(d), Constitution of Texas, as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the District shall not be required to pay any tax or assessment on its properties or any purchase; enacting other provisions relating to the aforementioned subjects; providing a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Cole:

HB 1795, A bill to be entitled An Act validating certain ordinances, resolutions, and other proceedings relating to the imposition of a local sales and use tax within a city; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Price:

HB 1796, A bill to be entitled An Act amending Section 1, Chapter 32, Acts of the 61st Legislature, Regular Session, 1969 (Article 1605a-4, Ver-

non's Texas Civil Statutes), relating to branch offices for tax assessors and collectors in certain counties; and declaring an emergency.

Referred to Committee on Counties.

By Daniel:

HB 1797, A bill to be entitled An Act relating to the creation of the County Court at Law of Chambers County and the jurisdiction of the County Court of Chambers County; and declaring an emergency.

Referred to Committee on Judiciary.

#### MESSAGE FROM THE SENATE

Austin, Texas, May 5, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SB 879, By Snelson: Declaring the public policy of the state of Texas; invalidating provisions for indemnity in certain contracts where there is negligence attributable to the indemnitee; defining terms; and declaring an emergency.

SB 908, By Jordan: Relating to the granting of tuition scholarship to nursing students at certain state-supported institutions of higher education; and declaring an emergency.

SJR 36, By Mauzy: Proposing an Amendment to Article V, Section 8, of the Texas Constitution, to enlarge the jurisdiction of the District Court in probate matters and to authorize the Supreme Court to adopt rules for such cases between District Courts, County Courts, and other courts having jurisdiction and provide for appeals.

SB 307, By Hall: Relating to the seizure of obscene materials and injunctive and other judicial proceedings concerning obscene materials and materials harmful to minors; and declaring an emergency.

SB 362, By Schwartz, et al: Providing for the regulation by the State Department of Health of certain commercial transactions involving hazardous substances; providing penalties for violations; and declaring an emergency.

SB 409, By Brooks: Concerning the prohibition of branch banking; and declaring an emergency.

SB 470, By Aikin: Amending Sections 3 and 26 of the Texas Uniform Limited Partnership Act (Article 6132a, Vernon's Texas Civil Statutes); and declaring an emergency.

SB 471, By Aikin, Increasing the fee collected by the Secretary of State for issuing a notary public commission; and declaring an emergency.



SB 472, By Aikin: Amending Sections 9.403, 9.404, 9.405, and 9.406 of the Business and Commerce Code; and declaring an emergency.

SB 529, By Hightower: Relating to the authority of the presiding judge of the Court of Criminal Appeals to designate and appoint certain retired appellate judges or district judges, or active appellate judges or district judges to sit as commissioners of the Court of Criminal Appeals; and declaring an emergency.

SB 598, By Bates: To be known as the Property Tax Interim Reform Act of 1971; and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

#### INTRODUCTION OF HB 1805

Mr. Williams asked unanimous consent to introduce and have placed on first reading HB 1805.

There was no objection offered.

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Representatives Zan Holmes, Semos, Sanchez, and Carl Parker entered the House and were announced present.

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#### INTRODUCTION OF HB 1806

Mr. Newton asked unanimous consent to introduce and have placed on first reading HB 1806.

There was no objection offered.

(Mr. Silber in the Chair)

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Representatives Williamson and Orr entered the House and were announced present.

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(Speaker in the Chair)

#### HSR 425—VOTE RECONSIDERED

Mr. Salter moved to reconsider the vote by which HSR 425 was adopted on yesterday.

Mr. Graves moved to table the motion to reconsider.

A record vote was requested.

The motion to table was lost by the following vote:

**Yeas—31**

Allen, Joe	Denton	Moore, G.	Rodriguez
Bass, T.	Farenthold	Moore, T.	Santiesteban
Bigham	Gammage	Moreno	Stewart
Braun	Graves	Nelms	Truan
Caldwell	Hannah, John	Nichols	Vale
Clark	Harris	Niland	Williams
Cruz	Holmes, Z.	Patterson	Wolff
Daniel	Johnson	Reed	

**Nays—89**

Agnich	Earthman	Kilpatrick	Salter
Allen, John	Finck	Kost	Schulle
Allred	Finnell	Lemmon	Shannon
Angly	Floyd	Lewis	Sherman
Atwell	Foreman	Lombardino	Short
Baker	Garcia	McAlister	Silber
Blanton	Hale	McKissack	Simmons
Blythe	Harding	Mengden	Slack
Bowers	Hawkins	Moncrief	Slider
Boyle	Hawn	Moore, A.	Smith
Burgess	Haynes	Murray	Solomon
Bynum	Head	Nabers	Spurlock
Calhoun	Hilliard	Newton	Swanson
Cates	Howard	Nugent, J.	Tarbox
Cavness	Hubenak	Ogg	Traeger
Christian	Hull	Parker, W.	Tupper
Clayton	Ingram	Pickens	Uher
Cole	Jones, D.	Poff	Von Dohlen
Craddick	Jones, E.	Presnal	Ward
Davis, D.	Jones, G.	Price	Wayne
Davis, H.	Jungmichel	Rosson	Wieting
Doran	Kaster	Salem	Williamson
Dramberger			

**Present—Not Voting**

Adams	Cobb	Hendricks	Parker, C.
Bass, B.	Doyle	Kubiak	Semos
Braecklein	Grant	Longoria	Wyatt
Coats			

**Absent**

Atwood	Golman	Lovell	Orr
Beckham	Lee	Neugent, D.	Sanchez
Finney			

**Absent-Excused**

Carrillo	Heatly	Ligarde	Stroud
Hanna, Joe	Holmes, T.	Poerner	

The motion to reconsider the vote by which HSR 425 was adopted then prevailed by the following vote:

**Yeas—89**

Agnich	Earthman	Kilpatrick	Salter
Allen, John	Finck	Kost	Schulle
Allred	Finnell	Lemmon	Shannon
Angly	Floyd	Lewis	Sherman
Atwell	Foreman	Lombardino	Short
Baker	Garcia	McAlister	Silber
Blanton	Hale	McKissack	Simmons
Blythe	Harding	Mengden	Slack
Bowers	Hawkins	Moncrief	Slider
Boyle	Hawn	Moore, A.	Smith
Burgess	Haynes	Murray	Solomon
Bynum	Head	Nabers	Spurlock
Cates	Hilliard	Newton	Swanson
Cavness	Howard	Nugent, J.	Tarbox
Christian	Hubenak	Ogg	Traeger
Clayton	Hull	Parker, W.	Tupper
Cobb	Ingram	Pickens	Uher
Cole	Jones, D.	Poff	Von Dohlen
Craddick	Jones, E.	Presnal	Ward
Davis, D.	Jones, G.	Price	Wayne
Davis, H.	Jungmichel	Rosson	Wieting
Doran	Kaster	Salem	Williamson
Doyle			

**Nays—32**

Allen, Joe	Denton	Johnson	Reed
Bass, T.	Dramberger	Moore, G.	Rodriguez
Bigham	Farenthold	Moore, T.	Santiesteban
Braun	Gammage	Moreno	Stewart
Caldwell	Graves	Nelms	Truan
Clark	Hannah, John	Nichols	Vale
Cruz	Harris	Niland	Williams
Daniel	Holmes, Z.	Patterson	Wolff

**Present—Not Voting**

Adams	Calhoun	Kubiak	Parker, C.
Atwood	Coats	Longoria	Semos
Bass, B.	Grant	Orr	Wyatt
Braecklein	Hendricks		

**Absent**

Beckham	Golman	Lovell	Sanchez
Finney	Lee	Neugent, D	

**Absent-Excused**

Carrillo	Heatly	Ligarde	Stroud
Hanna, Joe	Holmes, T.	Poerner	

HSR 425 failed of adoption by the following vote:

## Yeas—33

Allen, Joe	Denton	Johnson	Rodriguez
Allred	Farenthold	Moore, G.	Santiesteban
Bass, T.	Gammage	Moreno	Silber
Bigham	Graves	Nelms	Stewart
Braun	Hannah, John	Nichols	Truan
Caldwell	Harris	Niland	Vale
Clark	Head	Patterson	Williams
Cruz	Holmes, Z.	Reed	Wolff
Daniel			

## Nays—89

Agnich	Earthman	Kilpatrick	Salter
Allen, John	Finck	Kost	Schulle
Angly	Finnell	Lemmon	Shannon
Atwell	Floyd	Lewis	Sherman
Baker	Foreman	Longoria	Short
Blanton	Garcia	McAlister	Simmons
Blythe	Golman	McKissack	Slack
Bowers	Hale	Mengden	Slider
Boyle	Harding	Moncrief	Smith
Burgess	Hawkins	Moore, A.	Solomon
Bynum	Hawn	Murray	Spurlock
Cates	Haynes	Nabers	Swanson
Cavness	Hilliard	Newton	Tarbox
Christian	Howard	Nugent, J.	Traeger
Clayton	Hubenak	Ogg	Tupper
Cobb	Hull	Parker, W.	Uher
Cole	Ingram	Pickens	Von Dohlen
Craddick	Jones, D.	Poff	Ward
Davis, D.	Jones, E.	Presnal	Wayne
Davis, H.	Jones, G.	Price	Wieting
Doran	Jungmichel	Rosson	Williamson
Doyle	Kaster	Salem	Wyatt
Dramberger			

## Present—Not Voting

Adams	Calhoun	Hendricks	Orr
Bass, B.	Coats	Kubiak	Parker, C.
Beckham	Grant	Lombardino	Semos
Braecklein			

## Absent

Atwood	Lee	Moore, T.	Sanchez
Finney	Lovell	Neugen <sup>†</sup> , D.	

## Absent-Excused

Carrillo	Heatly	Ligarde	Stroud
Hanna, Joe	Holmes, T.	Poerner	

## MESSAGE FROM THE SENATE

Austin, Texas, May 5, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 133, By Nabers: Congratulating Gordon Wood.

HCR 132, By McKissack, et al: Commending CPC International, Incorporated.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 652 by the following vote: 31 Yeas, 0 Nays.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

## SB 213—REQUEST OF SENATE GRANTED

On motion of Mr. Floyd, the House granted the request of the Senate for the appointment of a Conference Committee on SB 213.

SB 213—APPOINTMENT OF CONFERENCE  
COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on SB 213:

Representatives Floyd, Shannon, Kaster, Santiesteban, and Simmons.

SB 43 ON THIRD READING  
(Mr. Harris—House Sponsor)

The Speaker laid before the House on its third reading and final passage,

SB 43, Relating to appointment, powers and duties of reserve deputy sheriffs and constables.

(Mr. Shannon in the Chair)

The bill was read third time and was passed by the following vote:

Yeas—128

Adams	Atwood	Blythe	Caldwell
Agnich	Baker	Bowers	Calhoun
Allen, Joe	Bass, B.	Boyle	Cates
Allen, John	Bass, T.	Braecklein	Cavness
Allred	Beckham	Braun	Christian
Angly	Bigham	Burgess	Clark
Atwell	Blanton	Bynum	Clayton

Coats	Haynes	Moore, G.	Sherman
Cobb	Head	Moore, T.	Short
Cole	Hendricks	Moreno	Silber
Cruz	Hilliard	Murray	Simmons
Daniel	Holmes, Z.	Nabers	Slack
Davis, D.	Howard	Nelms	Slider
Davis, H.	Hubenak	Newton	Smith
Denton	Hull	Nichols	Solomon
Doran	Ingram	Nugent, J.	Spurlock
Dramberger	Johnson	Ogg	Stewart
Earthman	Jones, E.	Orr	Swanson
Finck	Jones, G.	Parker, W.	Tarbox
Finney	Jungmichel	Pickens	Traeger
Floyd	Kaster	Poff	Truan
Foreman	Kilpatrick	Presnal	Tupper
Gammage	Kost	Price	Uher
Garcia	Kubiak	Reed	Vale
Golman	Lemmon	Rodriguez	Von Dohlen
Grant	Lewis	Rosson	Ward
Graves	Lombardino	Salem	Wayne
Hale	Longoria	Salter	Wieting
Hannah, John	McAlister	Sanchez	Williams
Harding	Mengden	Santiesteban	Williamson
Hawkins	Moncrief	Schulle	Wolff
Hawn	Moore, A.	Semos	Wyatt

## Nays—5

Doyle	Finnell	Parker, C.	Patterson
Farenthold			

## In The Chair

Shannon

## Absent

Craddick	Jones, D.	Lovell	Neugent, D.
Harris	Lee	McKissack	Niland

## Absent-Excused

Carrillo	Heatly	Ligarde	Stroud
Hanna, Joe	Holmes, T.	Poerner	

Mr. Harris moved to reconsider the vote by which SB 43 was passed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Harris, and by unanimous consent, the caption of SB 43 was ordered amended to conform with the body of the bill.

## BILL SIGNED BY THE SPEAKER

The Chair announced the signing by the Speaker in the presence of the House, after giving due notice thereof, the following enrolled bill:

SB 60, Creating a juvenile board for Johnson County.

**SB 160 ON THIRD READING**  
(Mr. Hull—House Sponsor)

The Chair laid before the House on its third reading and final passage,

SB 160, Authorizing establishment of contractural arrangements between the Coordinating Board of the Texas College and University System and the Texas College of Osteopathic Medicine.

The bill was read third time and was passed.

Mr. Hull moved to reconsider the vote by which SB 160 was passed and to table the motion to reconsider.

The motion to table prevailed.

**VOTES RECORDED**

Representatives Pickens and Dee Jon Davis requested to be recorded as voting Nay on the passage of SB 160.

**SB 457 ON THIRD READING**  
(Mr. Salter—House Sponsor)

The Chair laid before the House on its third reading and final passage,

SB 457, Relating to rules and regulations that the Commissioner of Agriculture may make concerning certain types of seeds.

(Speaker in the Chair)

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Representative Dean Neugent entered the House and was announced present.

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**SB 457—(Consideration continued)**

The bill was read third time and was passed by the following vote:

**Yeas—130**

Adams	Bigham	Cates	Davis, D.
Agnich	Blanton	Cavness	Davis, H.
Allen, Joe	Blythe	Christian	Denton
Allen, John	Bowers	Clark	Doran
Allred	Boyle	Clayton	Doyle
Angly	Braecklein	Coats	Dramberger
Atwell	Braun	Cobb	Earthman
Baker	Burgess	Cole	Farenthold
Bass, B.	Bynum	Craddick	Finck
Bass, T.	Caldwell	Cruz	Finnell
Beckham	Calhoun	Daniel	Finney

Floyd	Jones, G.	Niland	Simmons
Foreman	Jungmichel	Nugent, J.	Slack
Gammage	Kaster	Ogg	Slider
Garcia	Kilpatrick	Orr	Solomon
Golman	Kost	Parker, C.	Spurlock
Grant	Kubiak	Parker, W.	Stewart
Hale	Lemmon	Patterson	Swanson
Hannah, John	Lewis	Pickens	Tarbox
Harding	Lombardino	Poff	Traeger
Harris	Longoria	Presnal	Truan
Hawkins	McAlister	Price	Tupper
Haynes	Mengden	Reed	Vale
Head	Moncrief	Rosson	Von Dohlen
Hendricks	Moore, A.	Salem	Ward
Hilliard	Moore, G.	Salter	Wayne
Holmes, Z.	Moreno	Sanchez	Wieting
Howard	Murray	Santiesteban	Williams
Hubenak	Nabers	Schulle	Williamson
Hull	Nelms	Semos	Wolff
Ingram	Neugent, D.	Shannon	Wyatt
Johnson	Newton	Sherman	
Jones, E.	Nichols	Silber	

## Present—Not Voting

## Short

## Absent

Atwood	Jones, D.	McKissack	Smith
Graves	Lee	Moore, T.	Uher
Hawn	Lovell	Rodriguez	

## Absent-Excused

Carrillo	Heatly	Ligarde	Stroud
Hanna, Joe	Holmes, T.	Poerner	

Mr. Salter moved to reconsider the vote by which SB 457 was passed and to table the motion to reconsider.

The motion to table prevailed.

SB 225 ON THIRD READING  
(Mr. Adams—House Sponsor)

The Speaker laid before the House on its third reading and final passage,

SB 225, Amending Texas Probate Code.

The bill was read third time and was passed.

Mr. Adams moved to reconsider the vote by which SB 225 was passed and to table the motion to reconsider.

The motion to table prevailed.



## VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage of SB 225.

SB 111 ON THIRD READING  
(Mr. Cavness—House Sponsor)

The Speaker laid before the House on its third reading and final passage, SB 111, Creating criminal trespass law.

The bill was read third time.

Mr. Rosson offered the following amendment to the bill:

Amend SB 111, new Section 2, by striking the word "rights" after the word "camping" and before the word "be" as Section 2 was adopted on 2nd reading.

Signed: Rosson, Coats, Adams, and Cobb

The amendment was adopted without objection.

SB 111, as amended, was passed.

Mr. Cavness moved to reconsider the vote by which SB 111 was passed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Cavness, and by unanimous consent, the caption of SB 111 was ordered amended to conform with the body of the bill.

SB 543 ON SECOND READING  
(Mr. Aubry Moore—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 543, A bill to be entitled An Act relating to the fees charged by the Board of Vocational Nurse Examiners; amending Sections 7, 8, and 9, Chapter 118, Acts of the 52nd Legislature, 1951, as amended (Article 4528c, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

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Representative McKissack entered the House and was announced present.

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SB 543—(Consideration continued)

Mr. Aubry Moore offered the following committee amendments to the bill:

## Committee Amendment No. 1

Amend SB 543 by adding the following as Section 4 of the said bill and redesignating the present Sections 4 and 5 as Sections 5 and 6 respectively:

"Section 4. Section 5. (a), Chapter 118, Acts of the 52nd Legislature, 1951 (Article 4528c, Vernon's Civil Statutes) is amended to read as follows:

Section 5. (a) Except as provided in Section 6 and Section 7 of this Act, every person desiring to be licensed as a licensed vocational nurse or use the abbreviation LVN in the State of Texas, shall be required to pass the examination given by the Board of Vocational Nurse Examiners. The applicant shall make application by presenting to the secretary of the board, on forms furnished by the board, satisfactory sworn evidence that the applicant has had at least two (2) years of high school education or its equivalent; has attained the age of eighteen (18) years; is of good moral character; is in good physical and mental health (evidence of this fact shall be made by submitting an unsworn statement by a physician on a form prescribed by the board); is a citizen of the United States or has made a declaration of intention of becoming a citizen; and has completed an accredited course of not less than twelve (12) months in an accredited school for training vocational nurses. An accredited school as used herein shall mean one accredited by the board. Application for examination by the board shall be made at least thirty (30) days prior to the date set for the examination."

## Committee Amendment No. 2

Amend caption to conform to body of bill.

The committee amendments were severally adopted without objection.

SB 543, as amended, was passed to third reading.

Mr. Aubry Moore moved to reconsider the vote by which SB 543 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE  
SB 543 ON THIRD READING

Mr. Aubry Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 543 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—95

Adams	Baker	Braecklein	Christian
Allen, John	Beckham	Burgess	Clark
Angly	Bigham	Bynum	Clayton
Atwell	Blanton	Cates	Cobb
Atwood	Boyle	Cavness	Cole

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Craddick	Hull	Nichols	Simmons
Daniel	Ingram	Niland	Slack
Davis, D.	Jones, D.	Ogg	Slider
Davis, H.	Jones, G.	Orr	Smith
Finck	Jungmichel	Parker, W.	Solomon
Finnell	Kilpatrick	Pickens	Spurlock
Finney	Kost	Poff	Stewart
Foreman	Lemmon	Presnal	Swanson
Garcia	Lewis	Price	Tarbox
Golman	Lombardino	Rosson	Traeger
Hale	Longoria	Salem	Tupper
Harding	McAlister	Salter	Vale
Hawkins	Moncrief	Sanchez	Von Dohlen
Hawn	Moore, A.	Santiesteban	Ward
Haynes	Murray	Schulle	Wayne
Hendricks	Nabers	Semos	Wieting
Hilliard	Nelms	Shannon	Williams
Howard	Neugent, D.	Sherman	Williamson
Hubenak	Newton	Short	

## Nays—36

Agnich	Denton	Harris	Nugent, J.
Allen, Joe	Doran	Head	Parker, C.
Allred	Doyle	Holmes, Z.	Reed
Bass, T.	Dramberger	Jones, E.	Rodriguez
Blythe	Earthman	Kaster	Silber
Bowers	Farenthold	Kubiak	Truan
Braun	Floyd	Mengden	Uher
Caldwell	Gammage	Moore, T.	Wolff
Coats	Grant	Moreno	Wyatt

## Absent

Bass, B.	Graves	Lee	Moore, G.
Calhoun	Hannah, John	Lovell	Patterson
Cruz	Johnson	McKissack	

## Absent-Excused

Carrillo	Heatly	Ligarde	Stroud
Hanna, Joe	Holmes, T.	Poerner	

**SB 398 ON SECOND READING**  
(Mr. Burgess—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 398, A bill to be entitled An Act providing for a minimum bovine brucellosis blood test; amending Article 1525b, Texas Penal Code, as amended; providing a severability clause; and declaring an emergency.

The bill was read second time.

Mr. Doran offered the following amendment to the bill:

Amend SB 398 by adding a section to read as follows and by renumbering sections accordingly:

Section 2, Section 23A, Chapter 52, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 1525b, Vernon's Texas Civil Statutes), is amended by adding a Subsection (4A) to read as follows:

"(4A). Regardless of any other provision of this section, the commission, on finding that at least 75 percent of the cattle owners of the state, as reflected on the current tax rolls, owning at least 51 percent of the cattle within the state, have petitioned the commission for establishment of Type II brucellosis control areas under this Section 23A, may designate any county or area as a Type II control area if it has not already been so designated."

The amendment was adopted without objection.

Mr. Doran offered the following amendment to the bill:

Amend the caption of SB 398 as follows:

providing for a minimum bovine brucellosis blood test and an alternate bovine brucellosis test for dairy cattle; providing the commission authority to designate brucellosis control areas; amending Article 1525b, Texas Penal Code, as amended; providing a severability clause; and declaring an emergency.

The amendment was adopted without objection.

SB 398, as amended, was passed to third reading by the following vote:

Yeas—130

Adams	Clark	Hale	McKissack
Agnich	Clayton	Harding	Mengden
Allen, Joe	Coats	Harris	Moncrief
Allen, John	Cobb	Hawkins	Moore, A.
Allred	Cole	Hawn	Moore, T.
Angly	Craddick	Haynes	Moreno
Atwell	Cruz	Head	Nabers
Baker	Daniel	Hendricks	Nelms
Bass, B.	Davis, D.	Hilliard	Neugent, D.
Bass, T.	Davis, H.	Holmes, Z.	Newton
Beckham	Denton	Howard	Nichols
Bigham	Doran	Hubenak	Niland
Blanton	Doyle	Hull	Nugent, J.
Blythe	Dramberger	Ingram	Ogg
Bowers	Earthman	Jones, D.	Orr
Boyle	Farenthold	Jones, E.	Parker, C.
Braecklein	Finck	Jones, G.	Parker, W.
Braun	Finnell	Jungmichel	Patterson
Burgess	Finney	Kaster	Poff
Bynum	Floyd	Kilpatrick	Presnal
Caldwell	Foreman	Kost	Price
Calhoun	Gammage	Kubiak	Reed
Cates	Golman	Lemmon	Rodriguez
Cavness	Grant	Lewis	Rosson
Christian	Graves	Lombardino	Salem

Salter	Simmons	Tarbox	Wayne
Santiesteban	Slack	Traeger	Wieting
Schulle	Slider	Truan	Williams
Semos	Smith	Tupper	Williamson
Shannon	Solomon	Uher	Wolff
Sherman	Spurlock	Vale	Wyatt
Short	Stewart	Von Dohlen	
Silber	Swanson	Ward	

Nays—5

Atwood	Longoria	Murray	Sanchez
Garcia			

Absent

Hannah, John	Lee	McAlister	Pickens
Johnson	Lovell	Moore, G.	

Absent-Excused

Carrillo	Heatly	Ligarde	Stroud
Hanna, Joe	Holmes, T.	Poerner	

Mr. Burgess moved to reconsider the vote by which SB 938 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

**SB 938 ON SECOND READING**  
(Mr. Doran—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 938, A bill to be entitled An Act exempting certain construction projects of the Texas Agriculture Department from Building Commission action; amending Section 3, Chapter 455, Acts of the 59th Legislature, 1965 (codified as Article 678f, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Mr. Hawkins offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 938 by adding the words "and for" between "by" and "the" of the first line of Item D of Section 3 on page 1 of the original bill.

The committee amendment was adopted without objection.

SB 938, as amended, was passed to third reading.

Mr. Doran moved to reconsider the vote by which SB 938 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

SB 244 ON SECOND READING  
(Mr. Atwell and Mr. Carl Parker—House Sponsors)

The Speaker laid before the House on its second reading and passage to third reading,

SB 244, A bill to be entitled An Act repealing Chapter 17, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, relating to occupation taxes applicable to stores and mercantile establishments; and declaring an emergency.

The bill was read second time.

Mr. Patterson offered the following amendment to the bill:

Amend SB 244 by adding a new subsection "f" of Sec. 1 to read as follows: Only stores with a gross annual income of less than \$300,000.00 per store qualify for exemption under this Act.

Mr. Carl Parker moved to table the above amendment.

The motion to table prevailed.

SB 244 was passed to third reading by the following vote:

**Yeas—99**

Adams	Cobb	Ingram	Parker, C.
Agnich	Cole	Johnson	Parker, W.
Allen, Joe	Craddick	Jones, D.	Poff
Allen, John	Cruz	Jones, E.	Presnal
Allred	Davis, H.	Kaster	Price
Angly	Doran	Kilpatrick	Sanchez
Atwell	Dramberger	Kost	Santiesteban
Baker	Earthman	Lemmon	Schulle
Bass, B.	Finck	Lewis	Semos
Bass, T.	Finnell	Lombardino	Shannon
Bigham	Floyd	McAlister	Sherman
Blanton	Gammage	McKissack	Silber
Blythe	Garcia	Mengden	Simmons
Boyle	Golman	Moncrief	Slack
Braecklein	Graves	Moore, A.	Spurlock
Braun	Hale	Moore, G.	Stewart
Burgess	Hannah, John	Moore, T.	Swanson
Bynum	Harding	Murray	Tarbox
Caldwell	Hawn	Neugent, D.	Uher
Calhoun	Haynes	Newton	Vale
Cates	Head	Nichols	Wayne
Cavness	Hendricks	Niland	Wieting
Christian	Hilliard	Nugent, J.	Williams
Clark	Holmes, Z.	Ogg	Wyatt
Clayton	Hull	Orr	

**Nays—38**

Atwood	Daniel	Denton	Farenthold
Beckham	Davis, D.	Doyle	Finney

Foreman	Kubiak	Rodriguez	Traeger
Grant	Longoria	Rosson	Truan
Harris	Moreno	Salem	Tupper
Hawkins	Nabers	Salter	Von Dohlen
Howard	Nelms	Short	Ward
Hubenak	Patterson	Slider	Williamson
Jones, G.	Pickens	Smith	
Jungmichel	Reed	Solomon	

Present—Not Voting

Wolff

Absent

Bowers	Coats	Lee	Lovell
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Absent-Excused

Carrillo	Heatly	Ligarde	Stroud
Hanna, Joe	Holmes, T.	Poerner	

Mr. Carl Parker moved to reconsider the vote by which SB 244 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

#### REASON FOR VOTE

Under the Rules of the House, I voted Present-Not Voting on SB 244 because I have a personal interest in a company that is affected by this tax.

Signed: Nelson W. Wolff

#### REASON FOR VOTING NO ON SB 244

Although the chain store tax tends to be unfair in some circumstances, it is one of only a few unfair taxes on the books.

I find it most difficult to justify rescinding a tax such as this at a time when we are being asked to raise approximately 3/4 of a million dollars in new revenue for the next two years.

Signed: Dick Reed

#### SB 329 ON SECOND READING (Mr. Hale—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 329, A bill to be entitled An Act amending Chapter 478, Acts 1951, 52nd Legislature, (Article 8247a, Section 7a, Vernon's Texas Civil Statutes), to provide that any navigation district which heretofore or hereafter shall have constructed, purchased or otherwise acquired, or shall plan to construct, purchase or otherwise acquire, any facility by the use of revenue obligations issued pursuant to the provisions of Chapter 111, Acts 1933, 43rd

Legislature, First Called Session, as amended, may place the management of said facility in a board of trustees during the time such obligations or refunding obligations are secured by pledge of revenues; validating resolutions and indentures heretofore adopted creating such boards or making provision therefor; and declaring an emergency.

The bill was read second time.

Mr. Clayton offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend SB 329, House First Printing, by striking all below the enacting clause and substituting the following:

Section 1. Section 60.118, Water Code, is amended to read as follows:

"Section 60.118. Board of Trustees of Facility. (a) A district which constructs, purchases, or otherwise acquires or plans to construct, purchase, or otherwise acquire any facility authorized in Section 60.101 of this code to be paid for in whole or in part by the issuance and sale of obligations payable from and secured by a pledge of revenue authorized in this subchapter may vest management and control of the facility during the time the obligations or refunding obligations are secured in whole or in part by the pledge of revenue, in a board of trustees named in the resolution or indenture.

"(b) The board of trustees shall consist of not less than five nor more than nine members, and shall be entitled to receive the compensation fixed by the resolution or indenture, which shall not be more than one percent of the gross receipts of the grain elevator in any one year.

"(c) The commission shall specify in the resolution or indenture:

"(1) the terms of office of the members of the board of trustees;

"(2) the powers and duties of the board, including the power to fix fees and charges for the use of the facility;

"(3) the manner of exercising the powers and duties;

"(4) the manner of selecting the successors of the board of trustees; and

"(5) all matters relating to board members' duties and the organizing of the board.

"(d) The board of trustees may adopt bylaws regulating the procedure of the board and fixing the duties of its officers, but the bylaws may not contain any provision in conflict with the covenants and provisions contained in the resolution authorizing the bonds or in the indenture.

"(e) In all matters relating to powers, duties, obligations, and procedure of the board of trustees which are not covered in the bylaws and the resolution or indenture, the laws and rules governing the commission shall control, where applicable.

"(f) When the board is created by the resolution or indenture, it shall



have all of the power and authority for the management and operation of any facility which could be exercised by the commission.

"(g) By the terms of the resolution or indenture, the commission may make provision for later supplementation of the resolution or indenture to vest the management and control of the facility in a board of trustees having the powers, rights, and duties conferred or imposed by this section."

Sec. 2. The provisions of any resolution or indenture adopted or executed by any district before the effective date of this Act providing for the creation of the board of trustees at the time this Act becomes effective are hereby validated, confirmed, and ratified.

Sec. 3. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend the caption to conform to the body of the bill of SB 329.

The committee amendments were severally adopted without objection.

SB 329, as amended, was passed to third reading.

Mr. Hale moved to reconsider the vote by which SB 329 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

#### VOTE RECORDED

Mr. Cavness requested to be recorded as voting Nay on the passage to third reading of SB 329.

#### SB 249 ON SECOND READING (Mr. Clayton—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 249, A bill to be entitled An Act relating to the recording and re-recording of livestock brands and marks; and declaring an emergency.

The bill was read second time.

Mr. Clayton offered the following amendment to the bill:

Amend SB 249 by adding the following to be numbered Sec. 2, and re-number the succeeding sections properly:

All clerks in reregistering brands shall comply with the following articles of Vernon's Revised Civil Statutes:

Article 6890 RCS  
Article 6891 RCS  
Article 6892 RCS  
Article 6893 RCS  
Article 6894 RCS  
Article 6895 RCS  
Article 6896 RCS  
Article 6897 RCS  
Article 6898 RCS  
Article 6899 RCS  
Article 6899a RCS

and also shall be aware of and comply with the following articles in the Penal Code:

Article 1484 PC  
Article 1485 PC  
Article 1486 PC

The amendment was adopted without objection.

SB 249, as amended, was passed to third reading.

Mr. Clayton moved to reconsider the vote by which SB 249 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

#### VOTES RECORDED

Representatives Nabers and Cavness requested to be recorded as voting Nay on the passage to third reading of SB 249.

#### SB 233 ON SECOND READING (Mr. Jim Nugent—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 233, A bill to be entitled An Act to be known as the Insurance Holding Company System Regulatory Act, relating to regulation of insurance holding companies, subsidiaries, and affiliates, and their transactions with insurance companies; and declaring an emergency.

The bill was read second time.

Mr. Pickens offered the following committee amendments to the bill:

Committee Amendment No. 1

Strike Section 4(c) (2) of Section 4 and substitute in lieu thereof the following:

"(2) For purposes of this section an extraordinary dividend or distribution includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distributions made within the preceding twelve months exceeds the greater of (i) 10 percent (20 percent if such insurer is a title insurer) of such insurer's surplus as regards policyholders as of the 31st day of December next preceding, or (ii) the net gain from operations of such insurer, if such insurer is a life or title insurer, or the net investment income, if such insurer is not a life or title insurer, for the twelve-month period ending the 31st day of December next preceding, but shall not include pro rata distributions of any class of the insurer's own securities."

Committee Amendment No. 2

Amend SB 233, as amended, by adding at the end of added paragraph (n), Section 2, and after substituting a comma for the period at the end of such section, the following:

"and the commissioner has found that it is not necessary that such holding company system be regulated under this article or certain provisions of this article and has issued a total or partial exemption certificate to such holding company which shall effect the exemption until revoked by the commissioner."

Committee Amendment No. 3

Amend SB 233 by adding to the end of Section 8 of Article 21.49, set forth in Section 1 of the bill, the following:

"Provided, however, this section shall not limit or prohibit such holding company or person within the holding company system from doing any type of business that would be normal and natural to such person if it were not within the holding company system so long as such business is conducted on behalf of such person."

The committee amendments were severally adopted without objection.

SB 233, as amended, was passed to third reading.

Mr. Jim Nugent moved to reconsider the vote by which SB 233 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 5, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

HB 97, By Johnson: Relating to the planting and raising of pecan trees and other trees on highway rights-of-way; and declaring an emergency.

HB 326, By Adams: Relating to the use of artificial devices to call or attract fox in Walker, Jasper, Newton, Tyler, and Hardin Counties; and declaring an emergency.

HB 349, By G. Jones: Relating to payment of workmen's compensation claims awarded an employee prior to a determination of liability in certain cases; and declaring an emergency.

HB 676, By Burgess: Including certain land in Sabine and San Augustine Counties under the Uniform Wildlife Regulatory Act; and declaring an emergency.

HB 966, By Traeger: Relating to the compensation of state military forces while on active service; and declaring an emergency.

HB 647, By Slider: Relating to the powers and duties of the Titus County Fresh Water Supply District No. 1 and authorizing an increase in the assessor and collector's fee; amending Sections 4 and 5, Chapter 221, Acts of the 60th Legislature, Regular Session, 1967; and declaring an emergency.

HB 900, By Lombardino, Simmons: Amending Subsection (c) of Section 140, Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes); relating to requiring reinspection of a motor vehicle, trailer, semitrailer, pole trailer, or mobile home after certain damage to the vehicle. (amended)

HB 498, By Baker: Relating to the salary of directors of water improvement districts; amending Subsection (a), Section 55.111, Water Code; and declaring an emergency.

HB 1118, By Traeger: To establish the grounds on which the State Board of Podiatry Examiners may refuse to admit a person to examination or to license a person to practice podiatry; and declaring an emergency.

HB 1610, By Solomon: Validating all school districts, including all types of junior and regional college districts, together with the boundaries and names thereof; etc.; and declaring an emergency. (with amendments)

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

#### HB 602 ON SECOND READING

Mr. McKissack moved that all necessary rules be suspended to take up and consider at this time, HB 602.

The motion prevailed.

The Speaker laid before the House on its second reading and passage to engrossment,

HB 602, A bill to be entitled An Act relating to the creation, organization, powers, duties, and procedures of the Texas Board of Athletic Trainers to license athletic trainers; providing penalties; providing effective dates; and declaring an emergency.

The bill was read second time.

Mr. Delwin Jones offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 602 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Definitions. In this Act:

(1) "Athletic Trainer" means a person (with specific qualifications, as set forth in Section 9 of this Act, who upon the advice and consent of his team physician carries out the practice of prevention and/or physical rehabilitation of injuries incurred by athletes. To carry out these functions the athletic trainer is authorized to use physical modalities such as heat, light, sound, cold, electricity, or mechanical devices related to rehabilitation and treatment.)

(2) "Board" means the Texas Board of Athletic Trainers.

(3) Nothing herein shall be construed to authorize the practice of medicine by any person not licensed by the Texas State Board of Medical Examiners.

(4) (The provisions of this Act do not apply to physicians licensed by the Texas State Board of Medical Examiners; to dentists, duly qualified and registered under the laws of this state who confine their practice strictly to dentistry; nor to licensed optometrists, who confine their practice strictly to optometry as defined by statute; nor to occupational therapists, who confine their practice to occupational therapy; nor to nurses who practice nursing only; nor to duly licensed chiropractors or podiatrists, who confine their practice strictly to chiropractic or podiatry as defined by statute; nor to physical therapists who confine their practice to physical therapy; nor to masseurs or masseuses in their particular sphere of labor; nor to commissioned or contract physicians or physical therapists or physical therapists' assistants in the United States Army, Navy, Air Force, Public Health and Marine Health Service.)

Sec. 2. Texas Board of Athletic Trainers. (a) The Texas Board of Athletic Trainers, composed of three members, is created. To qualify as a member, a person must be a citizen of the United States and a resident of Texas for five years immediately preceding appointment. Two members must be licensed athletic trainers, except for the initial appointees, and one member must be a physician licensed by the state.

(b) The member of the board shall be appointed by the Governor with the advice and consent of the Senate. Except for the initial appointees, members hold office for terms of six years. The terms expire on January 31 of odd-numbered years. In making the initial appointments, the Governor shall designate one member for a term expiring in 1973, one member for a

term expiring in 1975, and one member for a term expiring in 1977.

(c) Each appointee to the board shall qualify by taking the constitutional oath of office within 15 days from the date of his appointment. On presentation of the oath, the Secretary of State shall issue commissions to appointees as evidence of their authority to act as members of the board.

(d) In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the Governor in the same manner as other appointments.

Sec. 3. Board organization and meetings. (a) The board shall elect from its members for a term of one year, a chairman, vice-chairman, and secretary-treasurer, and may appoint such committees as it considers necessary to carry out its duties.

(b) The board shall meet at least twice a year. Additional meetings may be held on the call of the chairman or at the written request of any two members of the board.

(c) The quorum required for any meeting of the board is two members. No action by the board or its members has any effect unless a quorum of the board is present.

Sec. 4. Records. (a) The board shall keep a record of its proceedings in a book for that purpose.

(b) The board shall keep a complete record of all licensed athletic trainers and shall annually prepare a roster showing the names and addresses of all licensed athletic trainers. A copy of the roster shall be made available to any person requesting it on payment of a fee established by the board as sufficient to cover the costs of the roster.

Sec. 5. Powers and duties of the board. (a) The board may make rules and regulations consistent with this Act which are necessary for the performance of its duties.

(b) The board shall prescribe application forms for license applicants.

(c) The board shall establish guidelines for athletic trainers in the state and prepare and conduct an examination for applicants for a license.

(d) The board may employ an executive secretary and other persons necessary to carry out the provisions of this Act. The executive secretary shall have such duties and responsibilities as the board may determine.

(e) The board shall adopt an official seal and the form of a license certificate of suitable design. The board shall have suitable office space to administer the provisions of this Act and keep permanent records.

(f) Before entering on the discharge of the duties of his office, the secretary-treasurer of the board must give bond for the performance of his duty in an amount determined by the board. The premium on the bond shall be paid from any available funds of the board.

(g) The secretary-treasurer of the board shall remit, on or before the 10th day of each month, to the State Treasurer all of the fees collected by

the board during the preceding month for deposit in the General Revenue Fund.

(h) The board may authorize all necessary disbursements to carry out the provisions of this Act, including the premium on the bond of the secretary-treasurer, stationery expenses, equipment, and facilities necessary to carry out the provisions of this Act.

(i) The board may issue subpoenas to compel witnesses to testify or produce evidence in a proceeding to deny, revoke, or suspend a license.

Sec. 6. Compensation. The compensation and travel expense allowance for members of the board and its employees shall be provided in the General Appropriations Act.

Sec. 7. Fees. The fees are:

- (1) an athletic trainer examination fee of \$20 for each examination taken;
- (2) an athletic trainer license fee of \$25; and
- (3) an athletic trainer annual license renewal fee of \$10.

Sec. 8. Prohibited Acts. No person may hold himself out as an athletic trainer or perform, for compensation, any of the activities of an athletic trainer as defined in this Act without first obtaining a license under this Act.

Sec. 9. Qualifications. An applicant for an athletic trainer license must possess one of the following qualifications:

- (1) have met the athletic training curriculum requirements of a college or university approved by the board and give proof of graduation; or
- (2) hold a degree in physical therapy (or corrective therapy) with at least a minor in physical education or health which included a basic athletic training course, hold a valid teaching certificate for the State of Texas, and have spent at least two academic years working under the direct supervision of licensed athletic trainer; or
- (3) have completed at least four years (beyond the secondary school level, as an undergraduate or graduate student) as an apprentice athletic trainer under the direct supervision of a licensed athletic trainer. These must be consecutive years of supervision (military duty excepted).
- (4) An out-of-state applicant must fulfill one of the above stated qualifications, (1), (2), or (3), and submit proof of active engagement as an athletic trainer in the State of Texas as set forth in Sec. 16 (b) of this Act.

Sec. 10. Issuance of license. (a) An applicant for an athletic trainer license must submit an application to the board on forms prescribed by the board and submit the examination fee required by this Act.

(b) The applicant is entitled to an athletic trainer license if he possesses the qualifications enumerated in Section 9 of this Act, satisfactorily completes the examination administered by the board, pays the license fee as

set in Section 7 of this Act, and has not committed an act which constitutes grounds for denial of a license under Section 12 of this Act.

Sec. 11. License Renewal. A license issued pursuant to this Act expires one year from the date of issuance. Licenses shall be renewed according to procedures established by the board and payment of the renewal fee as set in Section 7 of this Act.

Sec. 12. Grounds for denial, suspension, or revocation of license. The board may refuse to issue a license to an applicant or may suspend or revoke the license of any licensee if he has:

(1) been convicted of a felony or misdemeanor involving moral turpitude, the record of conviction being conclusive evidence of conviction; or

(2) secured the license by fraud or deceit; or

(3) violated or conspired to violate the provisions of this Act or rules and regulations issued pursuant to this Act.

Sec. 13. Procedures for denial, suspension, or revocation of a license. (a) Any person whose application for a license is denied is entitled to a hearing before the board if he submits a written request to the board.

(b) Proceedings for revocation or suspension of a license shall be commenced by filing charges with the board in writing and under oath. The charges may be made by any person or persons.

(c) The board shall fix a time and place for a hearing and shall cause a written copy of the charges or reason for denial of a license, together with a notice of the time and place fixed for hearing, to be served on the applicant requesting the hearing or licensee against whom the charges have been filed at least 20 days prior to the date set for the hearing. Service of charges and notice of hearing may be given by certified mail to the last known address of the licensee or applicant.

(d) At the hearing the applicant or licensee has the right to appear either personally or by counsel, or both, to produce witnesses, and to have subpoenas issued by the board and to cross-examine the opposing or adverse witnesses.

(e) The board is not bound by strict rules of procedure or by the laws of evidence in the conduct of the proceedings but the determination shall be founded upon sufficient legal evidence to sustain it.

(f) The board shall determine the charges on their merits and enter an order in a permanent record setting forth the findings of fact and law and the action taken. A copy of the order of the board shall be mailed to the applicant or licensee at his last known address by certified mail.

(g) On application, the board may reissue a license to a person whose license has been cancelled or revoked, but the application may not be made prior to the expiration of a period of six months after the order of cancellation or revocation has become final, and the application shall be made in the manner and form as the board may require.



Sec. 14. Procedures for Appeal. (a) A person whose application for a license has been refused or whose license has been cancelled, revoked, or suspended by the board may take an appeal, within 20 days after the order is entered, to any district court of Travis County or to any district court of the county of his residence.

(b) A case reviewed under the provisions of this section proceeds in the district court by trial de novo as that term is used and understood in appeals from justice of the peace courts to the county courts of this state. Appeal from the judgement of the district court lies as in other civil cases.

Sec. 15. Penalties. Any person who violates a provision of this Act is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

Sec. 16. Issuance of Licenses on the Effective Date of this Act. (a) Any person actively engaged as an athletic trainer on the effective date of this Act shall be issued a license if he submits proof of five years' experience as an athletic trainer within the preceding 10-year period, (and pays the license fee required by this Act).

(b) For the purposes of this section a person is actively engaged as an athletic trainer if he is employed on a salary basis by an educational institution, professional athletic organization, or other bona fide athletic organization for the duration of the institution's school year, or the length of the athletic organization's season, and, performs the duties of athletic trainer as the major responsibility of his employment.

Section 17. Effective Date. Section 8 of this Act becomes effective on January 1, 1972. The remainder of this Act becomes effective on September 1, 1971.

Section 18. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended.

Mr. Poff offered the following amendment to Committee Amendment No. 1:

Amend Section 2, Subsection A of Committee Amendment No. 1 of HB 602 by striking the first sentence of said subsection which appears on lines 29 and 30 of page 5 and placing in lieu thereof the following:

"(A) The Texas Board of Athletic Trainers composed of three (3) members is hereby created and shall function until December 31, 1975, or such other date as may be provided by law."

Mr. Sherman moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

## Yeas—90

Adams	Floyd	Longoria	Schulle
Allen, John	Foreman	McAlister	Semos
Allred	Garcia	McKissack	Shannon
Atwell	Golman	Moncrief	Sherman
Baker	Hale	Moore, A.	Short
Beckham	Harding	Moore, G.	Simmons
Blanton	Hawn	Murray	Slack
Boyle	Haynes	Nelms	Slider
Braecklein	Head	Neugent, D.	Solomon
Burgess	Hendricks	Nugent, J.	Stewart
Calhoun	Hilliard	Ogg	Swanson
Cavness	Holmes, Z.	Orr	Tarbox
Clark	Hubenak	Parker, C.	Traeger
Clayton	Hull	Parker, W.	Uher
Cobb	Ingram	Pickens	Vale
Cole	Johnson	Presnal	Von Dohlen
Craddick	Jones, D.	Price	Ward
Cruz	Jones, G.	Rosson	Wayne
Davis, D.	Jungmichel	Salem	Wieting
Davis, H.	Kilpatrick	Salter	Williams
Doyle	Kost	Sanchez	Williamson
Dramberger	Lewis	Santiesteban	Wyatt
Finney	Lombardino		

## Nays—47

Agnich	Cates	Graves	Nichols
Allen, Joe	Christian	Harris	Niland
Angly	Coats	Hawkins	Patterson
Atwood	Daniel	Howard	Poff
Bass, B.	Denton	Jones, E.	Reed
Bass, T.	Doran	Kaster	Rodriguez
Bigham	Earthman	Kubiak	Silber
Blythe	Farenthold	Lemmon	Spurlock
Bowers	Finck	Mengden	Truan
Braun	Finnell	Moreno	Tupper
Bynum	Gammage	Nabers	Wolff
Caldwell	Grant	Newton	

## Absent

Hannah, John	Lovell	Moore, T.	Smith
Lee			

## Absent-Excused

Carrillo	Heatly	Ligarde	Stroud
Hanna, Joe	Holmes, T.	Poerner	

Committee Amendment No. 1 was then adopted.

HB 602, as amended, was passed to engrossment.

Mr. McKissack moved to reconsider the vote by which HB 602 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 602.

#### VOTES RECORDED

By unanimous consent of the House, Mr. Sherman was granted permission to be recorded as Absent-Excused on the following votes on yesterday, May 4, 1971:

The passage to engrossment of HB 450, the passage of HB 681, and the passage of HB 314.

#### RECESS

Mr. Doran moved that the House recess until 9:00 a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 12:44 p.m., recessed until 9:00 a.m. tomorrow.

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#### APPENDIX

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#### BILL TRANSMITTED TO GOVERNOR UNDER ARTICLE 16, SECTION 59

HB 1794 transmitted by the Chief Clerk to the Governor on May 4, 1971.

#### RECOMMENDATIONS OF THE TEXAS WATER COMMISSION FILED WITH SPEAKER

Recommendations of the Texas Water Commission on HB 1743 filed with the Speaker on May 4, 1971.

Recommendations of the Texas Water Commission on HB 1751 filed with the Speaker on May 4, 1971.

Recommendations of the Texas Water Commission on HB 1764 filed with the Speaker on May 4, 1971.

Recommendations of the Texas Water Commission on HB 1765 filed with the Speaker on May 4, 1971.

Recommendations of the Texas Water Commission on HB 1768 filed with the Speaker on May 4, 1971.

Recommendations of the Texas Water Commission on HB 1769 filed with the Speaker on May 4, 1971.

Recommendations of the Texas Water Commission on HB 1774 filed with the Speaker on May 4, 1971.

## STANDING COMMITTEE REPORTS

Favorable reports have been filed by Committees on bills and a resolution, as follows:

Appropriations: SB 121.

Claims: HB 578, HB 952.

Conservation and Reclamation: HB 1321, HB 1661, HB 1731, HB 1743, HB 1751, HB 1757, HB 1764, HB 1765, HB 1768, HB 1769, HB 1774.

Criminal Jurisprudence: HB 887, HB 1163, HB 1357, SB 116.

Insurance: HB 968, HB 1128, HB 1273, HB 1714, SB 360, SB 400.

Judicial Districts: HB 1196, HB 1459, SB 887, SB 917.

Oil, Gas and Mining: HB 1755, SB 359.

Parks and Wildlife: HB 202, HB 828, HB 1498, HB 1545, HB 1547, SB 618.

Public Education: HB 401, HB 495, HB 521, HB 777, HB 779, HB 1007, HB 1552, HB 1646, SB 20, SCR 15.

## SIXTY-EIGHTH DAY—(Continued)—THURSDAY, MAY 6, 1971

The House met at 9:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Davis, H.	Jones, E.	Poff
Adams	Doran	Jones, G.	Presnal
Agnich	Doyle	Jungmichel	Salem
Allen, Joe	Dramberger	Kaster	Salter
Allen, John	Finck	Kilpatrick	Schulle
Atwell	Finnell	Kubiak	Shannon
Baker	Floyd	Lemmon	Sherman
Bass, B.	Foreman	Lewis	Silber
Bass, T.	Gammage	Lombardino	Simmons
Beckham	Garcia	Longoria	Slider
Bigham	Grant	Lovell	Smith
Blanton	Hale	McAlister	Solomon
Blythe	Hanna, Joe	McKissack	Spurlock
Boyle	Hannah, John	Mengden	Stroud
Braecklein	Harding	Moncrief	Swanson
Burgess	Harris	Moore, A.	Tarbox
Bynum	Hawkins	Moore, T.	Traeger
Caldwell	Haynes	Murray	Truan
Calhoun	Head	Nabers	Tupper
Cavness	Hendricks	Newton	Uher
Christian	Hilliard	Nichols	Vale
Clark	Holmes, T.	Nugent, J.	Ward
Clayton	Howard	Orr	Wayne
Coats	Hubenak	Parker, C.	Wieting
Cole	Hull	Parker, W.	Williams
Craddick	Ingram	Patterson	Wolff
Daniel	Johnson	Pickens	Wyatt
Davis, D.	Jones, D.	Poerner	